

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CARMEN D. MONTEVECCHIO,

Plaintiff,

v.

LIFE INSURANCE COMPANY OF NORTH  
AMERICA d/b/a CIGNA GROUP  
INSURANCE,

Defendant.

CIVIL DIVISION

CASE NO.:

Judge

**COMPLAINT**

FILED ON BEHALF OF:  
PLAINTIFF:

Carmen D. Montevecchio

COUNSEL FOR THIS PARTY:

Francis M. Moore, Esquire  
PA I.D. #60039

MANSMANN & MOORE, LLP  
304 Ross Street, Suite 600  
Pittsburgh, PA 15219

Tele: (412) 232-0661  
Fax: (412) 232-0233

## **COMPLAINT**

### **Parties**

1. Plaintiff, Carmen D. Monteverchio, is an individual with an address of 8645 Kennard Road, Lodi, OH 44254.
2. Defendant, Life Insurance Company of North America, is a long term disability insurer, licensed to do business in the Commonwealth of Pennsylvania, with an address of 1601 Chestnut Street, Philadelphia, PA 19192.

### **Jurisdiction**

3. This action is brought under, and jurisdiction of this matter is vested in this Court through the *Employee Retirement Income Security Act* (ERISA), and specifically 29 U.S.C. 1132(e), 502(e) wherein the district courts of the United States shall have exclusive jurisdiction of civil actions under this title brought by the Secretary or by a participant, beneficiary, fiduciary, or any person referred to in ERISA.
4. Venue is proper because Defendant, Life Insurance Company of North America, regularly conducts business in this District.

### **History of Case**

5. This action stems from a policy of long term disability insurance administered by Defendant in which Plaintiff was an insured.
6. Carmen D. Monteverchio was an employee of the Fifth Third Bank and was insured under a policy of long term disability insurance with the Defendant.
7. Due to significant medical ailments, Carmen D. Monteverchio has become fully disabled.

8. Life Insurance Company of North America denied long term disability benefits to Plaintiff on or about December 27, 2016.
9. Said denial of long term disability benefits was illegal and unreasonable.
10. All administrative appeals have been exhausted.
11. Significant medical evidence was presented to Defendant outlining the nature and extent of Carmen D. Monteverchio's disability. Notwithstanding this medical evidence, Defendant continued to illegally deny Plaintiff long term disability benefits.

**Prayer for Relief**

WHEREFORE, Carmen D. Monteverchio prays for the following relief:

- a. Judgment in his favor and against the Defendant for the amount of all benefits due and owing under the plan with interest as may be permitted by the Court;
- b. An award by the Court for reasonable attorney's fees and costs as provided under the ERISA law, found at section 1132(g), *et seq*; and
- c. Any other legal or equitable relief as the Court deems appropriate.

/s/Francis M. Moore  
Francis M. Moore, Esquire  
Pa. I.D. #60039

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